

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: DIET DRUGS (Phentermine/  
Fenfluramine/Dexfenfluramine)  
PRODUCTS LIABILITY LITIGATION**

**MDL DOCKET NO. 1203**

**This document relates to:**

**Phyllis Coleman v. Wyeth, et al.**

**Civil Action No. 2:00-CV-20821**

**THE WYETH DEFENDANTS' MOTION FOR ADMINISTRATIVE CLOSURE OF  
PLAINTIFF PHYLLIS COLEMAN'S CASE**

COME NOW, Defendant Wyeth and all remaining Defendants in this action (“Wyeth Defendants”) and move to have the case of Plaintiff Phyllis Coleman administratively closed in accordance with Pretrial Order No. 1415 (“PTO 1415”).

**I. BACKGROUND**

The above action was filed in the United States District Court for the Eastern District of Arkansas on May 19, 2000 and transferred to this Court in July of 2000. On August 28, 2000, this Court entered PTO 1415, which dismissed with prejudice “all other claims or actions asserting Settled Claims against American Home Products Corporation (“AHP”) pending before the court.” PTO 1415 ¶ 6. Although the above action was dismissed with prejudice pursuant to PTO 1415, the docket has not been changed to reflect this fact and still suggests that the action remains pending before this Court.

Plaintiff Phyllis Coleman, now known as Phyllis Hodges, has another claim pending in Fulton County State Court in Atlanta Georgia. That case is scheduled for trial starting on January 10, 2005. The same counsel represents her in both cases. The parties were unable to reach agreement as to a stipulation on the issue of seeking administrative closure of this case.

## **II. REQUEST FOR ADMINISTRATIVE CLOSURE**

Plaintiff Coleman's case has already been dismissed with prejudice pursuant to PTO 1415 but the docket has never been changed to reflect the dismissal. The Wyeth Defendants respectfully request that the Court order that the docket be administratively changed to reflect that this action was dismissed with prejudice pursuant to PTO 1415 and that the file now be marked as closed.

This the 29th day of November, 2004.

/s/ R. Clifton Merrell

R. Clifton Merrell  
Arnold & Porter LLP  
555 12<sup>th</sup> St. NW  
Washington, DC 20004  
(202) 942-6280

*Counsel for Defendant Wyeth*

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**PTO NO.**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_ it is hereby ORDERED, that the docket be administratively changed to reflect that the case of Phyllis Coleman, Civil Action No. 2:00-CV-20821, was dismissed with prejudice on August 28, 2000 pursuant to PTO 1415 and that this file now be marked as closed.

BY THE COURT:

\_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Wyeth Defendants' foregoing Motion for Administrative Closure of Phyllis Coleman's Case has been served by U.S. Mail this 29th day of November, 2004, on all counsel currently required to be served in accordance with PTO 19 and on the counsel listed below:

Robert C. Buck Childers Buck & Schlueter LLP 260 Peachtree St., NW Suite 1601 Atlanta, GA 30303  <i>Attorney for Plaintiffs</i>	John F. Canale, III Donald A. Donati Donati Law Firm, LLP 1545 Union Ave. Memphis, TN 38104  <i>Attorneys for Plaintiffs</i>
Beverly A. Rowlett Huckaby Munson Rowlett & Moore 1900 Regions Ctr. 400 W. Capitol Little Rock, AR 72201  <i>Attorney for Defendants Gate Pharmaceuticals and Teva Pharmaceuticals</i>	

/s/ R. Clifton Merrell

R. Clifton Merrell  
Arnold & Porter LLP  
555 12<sup>th</sup> St. NW  
Washington, DC 20004  
(202) 942-6280

*Counsel for Defendant Wyeth*